

BAXTER SMITH & SHAPIRO, P.C.

Attorneys at Law
200 Mamaroneck Avenue, Suite 601
White Plains, New York 10601

Robert C. Baxter
Arthur J. Smith
Sim R. Shapiro
Dennis S. Heffernan*
Harold A. Campbell
Margot L. Ludlam
Louis B. Dingeldey Jr.

Telephone: (914) 684-1055
Facsimile: (914) 684-1058
www.bssnylaw.com

Jennifer Warycha
Joshua A. Bloom
Bryan R. Forbes
Patrick H. Thompson
James F. Diviney
Francesca Gaspari
Antoinette N. Luciano

***Admitted in New Jersey**

Maria Peranzo, RN

January 12, 2021

Honorable Steven Tiscione
United States Magistrate Judge
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: Hernandez, et al. v. Marcofai Corp., et al.
Docket No.: 17-CV-887-GRB-ST
Our File No.: 17496 LL

Dear Honorable Tiscione:

This office represents the defendants Marcofai Corp. (d/b/a Hicksville Flowers & Fruiterers), Martin Lebedin, Cora B. Lebedin, and Faith Barresse in the above-referenced matter.

Please allow this correspondence to serve as a request for an extension of the discovery deadline in this action as well as an adjournment of the telephone conference scheduled for January 25, 2021 at 11:00 A.M. The basis for this request is that last month, shortly after the previous conference, I was diagnosed with an acute case of Covid-19 and was hospitalized (mostly in the Intensive Care Unit on a high-flow oxygen machine). Thankfully, I have been discharged and am experiencing gradual improvement. I have started to work remotely but am only beginning to catch up on work; I am still not permitted to return to the office. Accordingly, I would respectfully request that the Court grant an extension of 20 days to serve additional discovery demands (which were addressed at the previous conference) and 30 days thereafter for the plaintiffs to respond and that the conference be adjourned to a subsequent date.

New York Office
505 8th Avenue, Ste. 1704
New York, NY 10018
Tel. No. (212) 732-9800
Fax No. (212) 732-0152

Westchester Office
200 Mamaroneck Ave.
White Plains, NY 10601
Tel. No. (914) 684-1055
Fax No. (914) 684-1058

Buffalo Office
182 Dwyer Street
West Seneca, NY 14224
Tel. No. (716) 854-6140
Fax No. (716) 854-6540

Thank you for your consideration of this application.

Respectfully submitted,

Baxter Smith & Shapiro, P.C.

Sim R. Shapiro

By: Sim R. Shapiro

cc:

Clela Errington, Esq.
Michael Faillace & Associates, P.C. (via email)
60 East 42nd Street, Suite 4510
New York, New York 10165